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CONCORD, N.H.

Mr. Adelard E. Cote, Commissioner
Labor Department
15 Pleasant Street
Concord, New Hampshire

Dear Mr. Cote:

Some confusion appears to exist as to the application of Revised Laws, chapter 214 (Minimum Wages of Employees in Public Works) to school districts. This opinion is written to clarify the position of this office with respect to the problem.

By its terms, Revised Laws, chapter 214, applies to the "construction of public works by the State of New Hampshire, or by a county or town, or by persons contracting or subcontracting for such work." (Section 1)

Revised Laws, chapter 7, section 5, provides that [t]he word "town" (when used in statutes) shall extend and be applied to any place incorporated, or whose inhabitants are required to pay any tax, and shall mean that city, town, ward or place in which the subject matter referred to is situate, or in which the persons referred to are resident, unless from the context a different intention is manifest." Thus a school district was held to be within the meaning of the word "town" in Union School District v. District, 71 N.H. 269.

Since the context of Revised Laws, chapter 214, contains nothing which compels a contrary interpretation, it is the opinion of this office that Revised Laws, chapter 214, applies to school districts to the same extent as which it applies to towns.

Very truly yours,

Elmer T. Bourque
Law Assistant

ETB:L